

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-mc-21466-BLOOM/Otazo-Reyes

MARIE PHILIPPE,

Plaintiff,

v.

UNKNOWN,

Defendants.

_____ /

ORDER OF DISMISSAL

THIS CAUSE is before the Court upon a *sua sponte* review of Plaintiff Marie Philippe's filing, ECF No. [1], entitled "Notice of Intent to Tender Payment" ("Notice") filed on April 18, 2023.

Federal courts are "'empowered to hear only those cases within the judicial power of the United States as defined by Article III of the Constitution,' and which have been entrusted to them by a jurisdictional grant authorized by Congress." *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 409 (11th Cir. 1999) (quoting *Taylor v. Appleton*, 30 F.3d 1365, 1367 (11th Cir. 1994)). As such, a "district court may act *sua sponte* to address the issue of subject matter jurisdiction at any time." *Herskowitz v. Reid*, 187 F. App'x 911, 912-13 (11th Cir. 2006). Further, "once a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue." *Univ. of S. Ala.*, 168 F.3d at 410.

The Notice consists of letters from Marie Philippe to Frances Morris, Chief Financial Officer for Miami-Dade County Water and Sewer Department. ECF No. [1] at 2. The letters relate to an outstanding bill in the amount of \$258.51. *Id.*

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The Notice lacks any allegation or indication that the Court has subject matter jurisdiction over this action. In the Civil Cover Sheet, as the Cause of Action, Plaintiff has written “28:1782 Letter rogatory – appointment.” ECF No. [1-1]. “Letters rogatory are the means by which a court in one country requests a court of another country to assist in the production of evidence located in the foreign country.” *Yellow Pages Photos, Inc. v. Ziplocal, LP*, 795 F.3d 1255, 1273 (11th Cir. 2015) (citation omitted). The Notice does not reveal which country is requesting assistance or what evidence is sought. Plaintiff’s filing does not appear to be a valid application for a letter rogatory.

Because Plaintiff’s Complaint lacks a “a short and plain statement of the grounds for the court’s jurisdiction,” Fed. R. Civ. P. 8(a), it is subject to *sua sponte* dismissal. *See Univ. of S. Ala.*, 168 F.3d at 410.

Accordingly, it is **ORDERED AND ADJUDGED** that the Notice, **ECF No. [1]**, is **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to **CLOSE** the case.

DONE AND ORDERED in Chambers at Miami, Florida, on April 18, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Marie Philippe
25 SE 2nd Avenue
Suite 550
Miami, FL 33131

Marie Philippe
527 NW 52nd St.
Miami, FL 33127-1941